



MICHAEL A. CARDOZO
Corporation Counsel

THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007

SARAH B. EVANS
Assistant Corporation Counsel
Tel.: (212) 788-1041
Fax: (212) 788-9776

December 14, 2007

VIA HAND DELIVERY

Honorable Deborah A. Batts
United States District Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street, Room 2510
New York, New York 10007

Re: Mark Labrew v. The City of New York, et al., 07 CV 4641 (DAB)

Your Honor:

I am an Assistant Corporation Counsel in the Special Federal Litigation Division of the New York City Law Department handling the defense of the above-referenced matter on behalf of defendant City of New York. I write to respectfully request an extension of time of sixty (60) days, from December 14, 2007 until February 18, 2008, for the parties to complete discovery in this case, and a corresponding adjournment of all other dates to follow in the Scheduling Order. Plaintiff's counsel, Carmen Giordano, Esq., has consented to this request.

GRANTED
DAB

As Your Honor may recall, pursuant to the Scheduling Order in this case, discovery is scheduled to close on December 14, 2007. I apologize for not requesting this enlargement sooner. I have been preparing for and conducting a trial before Visiting Judge Donald E. Walter in the matter of Mona Sands v. the City of New York, et al., 07 CV 5275, which just concluded on Wednesday, December 13, 2007.

To date, the parties have served discovery requests. Plaintiff has responded to defendants' requests, and defendants are in the process of providing responses to plaintiff's requests. Defendants are also currently processing the information provided by plaintiff in response to defendants' discovery requests, including authorizations to obtain any additional information that may exist from the New York City Police Department, plaintiff's medical records from various providers, and employment records. In this regard, it is defendants' experience that it takes at least one month for the entities to process the releases and to provide this office with the information requested. To date, this Office has not received the responsive information. Given that the requested information is necessary for defendants to evaluate

plaintiff's alleged damages and to fully prepare for plaintiff's deposition, defendants require additional time to obtain these documents and to conduct discovery in this case, which would include taking plaintiff's deposition.

Additionally, the parties both would like to conduct depositions. It seems that additional time is required to conduct depositions given the number of parties involved, previously scheduled commitments and intervening holidays.¹ The parties have discussed mutually agreeable dates in January and February 2008 for these depositions.

Finally, defendants recently raised the possibility of settlement with plaintiff and requested that plaintiff provide a reasonable settlement demand. To date, plaintiff's counsel has not provided same, but he has advised me that he will do so shortly. The requested enlargement of time will permit the parties to further these discussions, and perhaps reach an agreement that would obviate the need for further litigation.

Accordingly, for these reasons, the parties respectfully request an extension of time from December 14, 2007 until February 18, 2008 to complete discovery in this case, and request a corresponding adjournment of the subsequent dates in the Scheduling Order.

In view of the foregoing, it is respectfully requested that the Court grant the within request. Thank you for your consideration herein.

Respectfully submitted,



Sarah B. Evans
Assistant Corporation Counsel
Special Federal Litigation Division

cc: Carmen S. Giordano, Esq. (By fax)
Attorney for Plaintiff
Law Office of Carmen S. Giordano
225 Broadway, 40th Floor
New York, New York 10007
Fax: 212-406-9410

SO ORDERED



DEBORAH A. BATTS
UNITED STATES DISTRICT JUDGE

17 DEC 2007

¹ In this regard, I have a very tight deposition schedule in another civil rights matter, and I am also currently scheduled to commence trial in another civil rights matter before Judge Baer on January 22, 2008.